

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE LITIGATION**

THIS DOCUMENT RELATES TO:

State of California, ex rel. Ven-A-Care v.

Abbott Laboratories, Inc., et al.

CASE No: 1:03-cv-11226-PBS

) **MDL No. 1456**
) **Master File No. 01-12257-PBS**
) **Subcategory Case No. 06-11337**
)
) **Judge Patti B. Saris**
)
) **Magistrate Judge**
) **Marianne B. Bowler**
)
)

**JOINT STIPULATION BETWEEN PLAINTIFFS AND DEFENDANTS
SCHERING PLOUGH CORP. AND WARRICK PHARMACEUTICALS CORP.
TO STAY DISCOVERY**

Plaintiffs the State of California and Ven-A-Care of the Florida Keys ("Plaintiffs") and Defendants Schering-Plough Corp. and Warrick Pharmaceuticals Corp. ("Warrick") hereby submit this joint stipulation to stay discovery. This stipulation is undertaken in furtherance of judicial economy and to avoid potentially unnecessary expense, based upon the fact that Plaintiffs and Warrick are engaged in meaningful settlement discussions, under the auspices of Professor Eric Green, which have yielded an agreement in principle. In order to avoid unnecessary expenses and to allow the parties to finalize their meaningful settlement discussions, the parties hereby stipulate to stay discovery and all motions related to discovery, as to the captioned litigation between Plaintiffs and Warrick, until June 30, 2009. Additionally, it is hereby agreed and stipulated among Plaintiffs and Warrick that:

1. All discovery involving Plaintiffs and Warrick in the above captioned case shall be stayed effective April 1, 2009.

2. Any depositions of witnesses produced or retained exclusively by Warrick and pending or scheduled but not yet taken shall be cancelled without prejudice to such depositions being taken after June 30, 2009 at the option of either Plaintiffs or Warrick.

3. Warrick may refrain from appearing, by or through counsel, at depositions of witnesses subpoenaed, produced or retained by the Plaintiffs without prejudice to Warrick's rights to reopen depositions after June 30, 2009 to examine such witnesses on questions not asked during the previously concluded depositions.

4. Plaintiffs and Warrick shall refrain, at least until June 30, 2009, from filing and serving papers relating to issues that are specific to the captioned litigation between Plaintiffs and Warrick that would otherwise be due pursuant to the Court's orders.

5. Should it appear that the parties will be unable to conclude a settlement agreement between the date of this joint stipulation and June 30, 2009, the parties will jointly propose an accelerated discovery schedule to complete any outstanding fact discovery requirements between Plaintiffs and Warrick, such fact discovery to be completed no later than July 31, 2009. The parties will file their joint proposal for an accelerated discovery schedule no later than July 1, 2009.

SO STIPULATED AND AGREED:

Dated: April 27, 2009

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Dated: April 27, 2009

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WARRICK PHARMACEUTICAL
CORPORATION

IT IS SO ORDERED.

Honorable Patti B. Saris
UNITED STATES DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on April 27, 2009, I caused a true and correct copy of the JOINT STIPULATION BETWEEN PLAINTIFFS AND DEFENDANTS SCHERING PLOUGH CORP. AND WARRICK PHARMACEUTICALS CORP. TO STAY DISCOVERY to be served on all counsel of record by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL 1456.

/s/ John P. Bueker
John P. Bueker